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February 4, 2005

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FEB - 4 2005

Federal Communications Commission  
Office of Secretary

**VIA HAND DELIVERY**  
Marlene Dortch, Esq.  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Re: Comments of Salem Communications Corporation  
RM No. 11136

Dear Ms. Dortch:

Transmitted herewith is an original and four copies of the Comments of Salem Communications Corporation to be associated with the above-referenced proceeding.  
Should there be any questions regarding this matter, please contact undersigned counsel.

Sincerely,

James P. Riley  
Lee G. Petro

Counsel for Salem Communications Corporation

Enclosures

cc: As shown in the Certificate of Service

044

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**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

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FEB - 4 2005

Federal Communications Commission  
Office of Secretary

**In the Matter of:** }  
 }  
**Amendment of Section 73.21 and 73.37,** }  
**Of the Commission's Rules to Provide for** }  
**Facilities Changes by Stations Operating** }  
**In the Expanded AM Band (1605-1705 kHz)** }

**RM No. 11136**

**To: Chief, Audio Division  
Media Bureau**

**COMMENTS OF  
SALEM COMMUNICATIONS CORPORATION**

Salem Communications Corporation ("SCC"), by and through its attorneys, hereby submits the following Comments in support of the Petition for Rulemaking filed by InterMart Broadcasting of Georgia, Inc., Rama Communications, Inc., and Multicultural Radio Broadcasting, Inc. (the "Joint Petitioners"), on November 3, 2004 (the "Joint Petition"). The Commission released a public notice on January 5, 2005, requesting comments on the Petition.<sup>1</sup>

The Joint Petitioners seek to modify the Commission's rules to permit those AM licensees with facilities located in the AM Expanded Band (1605-1705 kHz) to modify their facilities under specific conditions. SCC, through subsidiaries, is the licensee of two AM Expanded Band stations, and supports the Joint Petitioners' attempt to provide more flexibility to modify these facilities so long as such modifications do not cause increased interference to other licensed AM facilities.

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<sup>1</sup> See *Public Notice*, Petitions for Rulemaking Filed, Rpt. No. 2686 (rel. Jan. 5, 2005). The Public Notice established February 4, 2005, as the filing deadline. Therefore, these Comments are timely filed.

## DISCUSSION

When the Commission created the opportunity for existing AM licensees to migrate their facilities to the Expanded Band, the Commission did not also establish rules for the licensees to seek further modification of their facilities.<sup>2</sup> Instead, licensees receiving an Expanded Band authorization were allotted a channel at a specified geographic point and were permitted to operate with 10 kW day and 1 kW night, on a non-directional basis.<sup>3</sup>

SCC agrees with the Joint Petitioners that there is a need for Expanded Band licensees to have the ability to modify their facilities, so long as no interference is caused to other licensed facilities.<sup>4</sup> The proposed extension of full interference protection rights from Expanded Band licensees proposing to modify their facilities to all other AM stations may be an appropriate method for permitting licensees that have agreed to migrate to the Expanded Band to fully maximize the use of the AM spectrum.<sup>5</sup> One of the Commission's main goals has been to encourage the efficient use of the spectrum,<sup>6</sup> and SCC believes that the Joint Petitioners' proposal is a viable option in this regard.

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<sup>2</sup> *Joint Petition*, at pg. 2

<sup>3</sup> *See Implementation of the AM Expanded Band Allotment Plan*, Memorandum Opinion and Order, 12 FCC Rcd 3361 (1997).

<sup>4</sup> *Joint Petition*, at pg. 2.

<sup>5</sup> *Id.*, at pg. 7.

<sup>6</sup> *See e.g., Spectrum Policy Task Force Report*, Nov. 15, 2002, <http://www.fcc.gov/sptf/reports.html>, (last visited February 1, 2005).

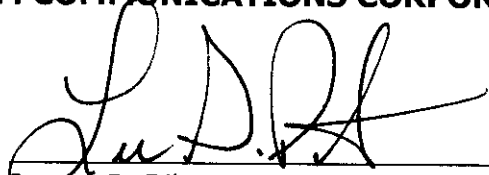
## **CONCLUSION**

Therefore, SCC urges the Commission to give full consideration to the Petition, and to release a Notice of Proposed Rulemaking to further examine this matter.

Respectfully submitted,

### **SALEM COMMUNICATIONS CORPORATION**

By:

A handwritten signature in black ink, appearing to read "J.P. Riley", is written over a horizontal line.

James P. Riley

Lee G. Petro

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Its Attorneys

February 4, 2005

**Certificate of Service**

I, Michelle Brown Johnson, a secretary in the law firm of Fletcher, Heald & Hildreth, do hereby certify that a true copy of the Comments of Salem Communications Corporation was sent this 4<sup>th</sup> day of February, 2005, via United States First Class Mail, postage prepaid, to the following:

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